

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Alice Manley,

Case No. 22-cv-1785 (JRT/DTS)

Plaintiff,

REPORT AND RECOMMENDATION

v.

Lincoln National Life Insurance Company,

Defendant.

On November 29, 2022, the Court ordered Manley to notify defense counsel that the Federal Rules of Civil Procedure and the Local Rules of this District require that an answer or other pleading be filed (Dkt. No. 5). The Court also ordered Manley to file a letter on the docket with 10 days of the November 29, 2022 Order advising the Court when notification had been made. No letter was filed by Manley and no Answer or other pleading has been filed in response to the Complaint. In addition, no motion for an extension of time has been filed.

Accordingly, this Court now recommends, in accordance with the prior warning earlier given to Manley, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute.

Dated: December 12, 2022

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).